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| In re Application of SCHROERS et al | : | |
| U.S. Application No.: 10/542,438 | : | |
| PCT Application No.: PCT/US04/01575 | : | |
| Int. Filing Date: 20 January 2004 | : | DECISION |
| Priority Date Claimed: 17 January 2003 | : | |
| Attorney Docket No.: 51835/JWP/L471 | : | |
| For: METHOD OF MANUFACTURING | : | |
| AMORPHOUS METALLIC FOAM | : | |

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.497" filed 25 July 2006.

BACKGROUND

On 20 January 2004, applicant filed international application PCT/US04/01575, which claimed priority of an earlier United States application filed 17 January 2003. The thirty-month period for paying the basic national fee in the United States expired on 17 July 2005.

On 15 July 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 March 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 May 2006, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 14 July 2006, this Office mailed a decision dismissing the 02 May 2006 petition.

On 25 July 2006, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see §3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, the renewed petition states that "no assignment has been filed for this application." This statement is construed as a statement that no assignment has been executed by any of the original inventors. If such an assignment exists, applicant must notify the Office accordingly.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 January 2004, and a date under 35 U.S.C. 371(c) of 02 May 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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